1902-044 Chancery Causes: Dr. John D. Morgan vs. Admrs of J. M. Eley &c
Lee Co.

Milham, Ramsey, Geary, Edds, Broadgrass

CA-Debt
T-Property

- Deed

To the Hon.H.A.W.Skeen,Judge of the Circuit Court for Lee County

Humbly complaining your orator John.D.Morgan would respectfully represent and show unto your honor that on the 22nd day of September, 1896,J.M.Ely,then a citizen of Lee County,executed and delivered to your orator two certain notes in writing,under seal,one of wch was for the sum of $23.74,payable one day after date,and the other for $29.54,due one day after date. Your orator avers and will show unto your ~~xxxxxx~~ honor that both of said notes are still owing,due and unpaid.

Your orator will furthur represent and show unto your honor that after the making, sealing,signing and delivery of the said two notes above refered to, the said J.M.Ely departed this life, intestate leaving as his heirs at law and distributees, a wife,Jane Ely,who afterwards married John Ramsey,who has also since died,and the following children,vix,Louisa V. who married John Yeary,Charity Edds,who married, George Edds,Andrew Ely and Joseph P.Ely,Cynthia, who married Charles Snodgrass,Charlie Ely,Robert Ely,Elizabeth Ely, Susie Ely and Reuben Ely,the last named six of whom are infants under the age of 21 years.

Your orator will furthur represent and show unto your honor that the estate of the said Joseph M.Ely was at the January term, 1902 committed to the sherff of Lee County W.J.Milcham,as administrator thereof,but your orator is advised,believes and charges that there is no personal effects which will go into the hands of the said administrator.

Your orator will furthur represent and show unto your honor that the said J.M.Ely left when he died a tract of land situated in Lee County,and more fully described by a deed of conveyance to him from Joseph Ely and wife,here filed as part of this bill and prayed to be taken as part thereof. See exibit "A".

Your orator is therefore advised that he has a right to have an accertainement by a master commissioner of the indebtedness of the said J.M.Ely deceased,a settlement of the administration account,a judgement for the said sum of money as last aforesaid with interest thereon from the date of said notes,and to have the

said land,or enough thereof to satisfy said debts,~~and~~ sold on such terms as the court thinks just and proper.

The prayer therefore of your orator is that the said W.J.Mileham administrator of the estate of the said J.M.Ely ~~and~~,the said widow and said children of the said J.M.Ely be made parties defendant to this bill of complaint, and that they answer the same but not under oath that being specialy waived,that a guardian ad litem be appointed to defend the said infant children of the said J.M. Ely,that upon a hearing there be appointed a commissioner to accertain and report the indebtedness of the said estate and make settlement of he said administrator,and that upon the coming in of the report so directed that a sale be ordered of the said real estate to pay such debts and the costs of this suit. And May all other furthur and general relief be granted your orator that the nature of his cause and good concience may require and he will ever pray &c.

Pennington Bros P.Q.

Pepfo Costs

C	3.77	Pd
J	1.57	
S	3 00	Pds-H.J. Musick
atty	5 00	Pd
G.A.L.	5 00	Pd
Co. C	50	Pd
	18.77	

J. D. Morgan

vs

Dr Clancy

J. M. Ely's Admr &c

1902 2nd February rules bill filed & Sps executed on adult defendants & Ans G.A.L. filed for infants & D.N.

" 1st March rules held the last Monday in Feby D.N. Conf'd & Cause set for hearing.

E.W. PENNINGTON. ROBT. L. PENNINGTON.

Pennington Bros.

ATTORNEYS AT LAW.

JONESVILLE AND PENNINGTON GAP, VA.

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 48 B.

[Code of Va., § 2616, etc.]

In the Circuit Court of the County of Lee —:

The answer of Cynthia Snodgrass, Charlie Ely, Robert Ely, Elizabeth Ely, Susan Ely, and Rubin Ely,

infants under the age of twenty-one years, by M. G. Ely, (a discreet and competent attorney at law), their guardian *ad litem* assigned to defend them in this suit, and the answer of the said M. G. Ely —, guardian *ad litem* of the said infant defendants, to a bill of complaint exhibited against the said infants and others by Dr. John D. Morgan in the Circuit Court of the County of Lee, —

For answer to the said bill the said infant defendants by their said guardian *ad litem* answer and say that being of tender years they do not know what their true interests are in relation to the subject matter of the said bill, nor do they know whether the statements therein contained are true or not. They confide the protection of their interests therein to the care of the court. And the said guardian *ad litem* of the said infant defendants for answer to the said bill answers and says that he knows nothing as to the truth or falsity of the statements in the bill contained. He prays full protection for the infant defendants. And now having fully answered, these defendants pray to be hence dismissed with their costs, etc.

Cynthia Snodgrass.
Charlie Ely.
Robert Ely
Elizabeth Ely —
Susie. Ely
Rubin Ely.

By M. G. Ely.
Guardian *ad litem*.

M. G. Ely. } Guardian *ad litem* of the said infants.

STATE OF VIRGINIA,
County OF Lee } ss.

Sworn to before me in my County aforesaid by M. G. Ely guardian *ad litem* as aforesaid, this the 10th day of Feb. 1902. ~~A. D. 189~~.

A B Munsey Clerk. ~~N. P.~~

Form 48 B.

Dr. John D. Morgan

vs. { ANSWER OF INFANT DEFENDANTS BY THEIR GUARDIAN AD LITEM, AND ANSWER OF THE GUARDIAN AD LITEM FOR THE INFANTS.

W. J. Mileham and Son *et als.*

Filed February 10th 1892

A B Muncey Clerk

M. S. Ely G. A. Litem Fee $5.00

This deed made this APril 10th,1889 between JosePh Ely and Mary his wife of the first Part and Joseph M.Ely of the second Part all of Lee County Virginia,Witnesseth for the consideration of the sum of one hundred and eighty Dollars to them Paid the receiPt of which is hereby acknowledged the said Joseph Ely and Mary his wife do bargain and sell to the said Joseph M.Ely all their interest and claim in and to a certaintract or tracts of land lying and being in the same County and State aforesaid estimated to contain Twenty five Acres be the same more or less and being bounded as follows to-wit;

Beginning at a rock at a Point in a field thence S.70 E 60 Poles to a stake in Fugates line thence S 20 W with Fugates line 55 Poles to a Stake Chances corner thence S 80 W with Chances line 6 Poles to a Black gum StumP, near the toP of the Ridge,thence North 57 West 40 Poles to a Stake corner of said Chance's land thence S 52 W 13 poles to a Stake Elijah Edenes corner thence North 53 West 20 Poles to a Stake in Edens line thence North 30 1/2 East 54 Poles to the Beginning.Also another tract adjoining the one above described containing by estimation 40 Acres be the same more or less and being bounded as follows to-wit;Beginning at a white oak thence with a line of P.P.Fugates line S 26 W 38 Poles to a Stake on toP of a hill thence N 70 W 139 Poles to a Stake in E.M.Daniels and others line thence N 30 E 60 Poles to a Oak and hickory SaPling thence South East 70 Poles to a large Poplar on the South side of a Ridge thence East 46 poles to a walnut thence E 41 Poles to the beginning and the said Joseph Ely and Mary Ely his wife do covenant with the said Joseph M.Ely to warrant the title generally to the above described tracts of land with all thereto belonging free from the claim of themselves their heirs and all other Persons.Witness the following Signatures and seals the consideration of the last named tract shall be two hundred Dollars.

8/6

JosePh Ely (Seal)

Mary Ely (Seal)

Virginia,Lee County

I William H.SPeak a Notary Public for the County aforesaid in the State of Virginia,do certify that JosePh Ely and Mary Ely his wife whose names

are signed to the foregoing deed bearing date April 10th,1889 have acknowledged the same before me in my County aforesaid: Given under my hand this April 10th,1889.

William H.SPeak Notary Public.

Virginia,Lee County to-wit;

In the Office of the Clerk of the said County the 30th,day of October 1890 this deed was Presented and together with the certificate thereto annexed admitted to record.

Teste John R.Gibson Clerk.

A Copy,Teste;--W. H. Brogan----Clerk.
(D.B.No,25,Page,585,)

Joseph Ely wife
To ½ Deed
Joseph M. Ely-

Copy-

"A"

Clerk 50 cts.

SOUTHEASTERN DEPARTMENT.

FIREMANS FUND

INSURANCE COMPANY

OF SAN FRANCISCO, CAL.

EDGAR S. WILSON, MANAGER. MACON, GA.

23.74
29,54
53.28
32½

1902 22.
1896-9-22
5-5
32½

2664
10656
15984
17.3160

53.28
0.59

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon W. J. Mileham admr of the estate of J M Ely deceased, Jane Ramey widow of J. M Ely, Louisa Yeary wife of John Yeary Charity Edds wife of W W Edds, Andrew Ely, Joseph P. Ely, Cynthia Snodgrass wife of Charles Snodgrass, Charles Ely, Robert Ely, Elizabeth Ely, Susan Ely & Reuben Ely, the last six of whom are infants

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held for the said court, on the 3rd Monday in February 1902, to answer a bill in chancery exhibited against them in our said court by Dr John D. Morgan

And have then there this writ. Witness, A. B. Munsey, Clerk of our said Court, at the court-house, the 10th day of February 1902, and in the 126th year of the Commonwealth. A copy, Teste: A B Munsey Clerk.

Clerk.

BOATRIGHT JOB OFFICE, GATE CITY, VA.

Serve copies on
W. J. Milehan admr
Jane Ramsey
Louisa Yeary
Charity Edds
Andrew Ely
Joseph P Ely

Executed on
15th day of Feb 1902
by Summoning the
whole names-
B. L. Larkin
S. L. C. for
Lee Co.

Dr John D Morgan

VS. } SUBPŒNA
IN CHANCERY.

W. J. Milehan Admr et als

Pennington Bros p. q.

To 2nd February Rules.

1902. Circuit Court.